

*This document annotates extracts from
ASIC Regulated Foreign Markets Determination [OTC DET 13/1145] and
ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844
with draft proposed marked-up changes, supported by explanatory notes.*

Australian Securities and Investments Commission

ASIC Derivative Transaction Rules (Reporting) 2013 —

Subrule 1.2.4(3) — Regulated Foreign Markets Determination

Enabling provision

1. The Australian Securities and Investments Commission (**ASIC**) makes this instrument under subrule 1.2.4(3) of the *ASIC Derivative Transaction Rules (Reporting) 2013 (Rules)*.

Title

2. This instrument is the ASIC Regulated Foreign Markets Determination [OTC DET 13/1145].

3A Definitions

In this instrument:

regulated market means a multilateral system operated or managed by a market operator, which brings together or facilitates the bringing together of multiple third-party buying and selling interests in financial instruments (in the system and in accordance with its non-discretionary rules) in a way that results in a contract, in respect of the financial instruments admitted to trading under its rules or systems.

SEC Regulated Market means a financial market which is registered with the Securities and Exchange Commission of the United States of America as a national securities exchange under section 6 of the Securities Exchange Act of 1934 of the United States of America.

UK Regulated Market means a regulated market which is a recognised investment exchange under section 285 of the United Kingdom Financial Services and Markets Act 2000, but not an overseas investment exchange within the meaning of section 313(1) of that Act.

Determination

4. The following financial markets are Regulated Foreign Markets for the purposes of subrule 1.2.4(2) of the Rules:

Explanatory Note

“Exemption 1” means Exemption 1 (Exchange-traded derivatives) of ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

(a) Athens Exchange Derivatives Market;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(a) <u>the BM&FBOVESPA Segment of B3 - Brasil Bolsa Balcão S.A;</u>	<i>Name updated and renumbered</i>
<u>(b) Borsa Istanbul – Futures and Options Market</u>	<i>Added from Exemption 1 and name updated from “Borsa Istanbul”</i>
(c) Bourse de Montreal;	<i>Unchanged but renumbered</i>
<u>(d) BSE Limited (Bombay Stock Exchange);</u>	<i>Added from Exemption 1</i>
(d) Budapesti Értéktőzsde (Budapest Stock Exchange);	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
<u>(e) Bursa Malaysia Derivatives Market;</u>	<i>Added from Exemption 1 and name updated from “Bursa Malaysia - Bursa Malaysia Derivatives”</i>
<u>(f) China Financial Futures Exchange;</u>	<i>Added from Exemption 1</i>
(e) CBOE Futures Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(f) Chicago Board of Trade;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(g) Chicago Board Options;	<i>Deleted as to be included as an SEC Regulated Market</i>
(h) CME Direct;	<i>Removed as not a current financial market name</i>
(g) CME Globex;	<i>Unchanged but renumbered</i>
(j) The Commodity Exchange, operated by Commodity Exchange, Inc. (US);	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
<u>(h) Dalian Commodities Exchange</u>	<i>Added from Exemption 1</i>
<u>(i) Dubai Gold & Commodities Exchange</u>	<i>Added from Exemption 1</i>
<u>(j) Dubai Mercantile Exchange;</u>	<i>Added from Exemption 1</i>
<u>(k) EPEX Spot SE;</u>	<i>Added from Exemption 1</i>
(k) Eurex Deutschland;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(l) Euronext Paris MATIF (Marché à Terme International de France);	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(m) Euronext Paris MONEP (Marché des Options Négociables de Paris);	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>

Explanatory Note

“Exemption 1” means Exemption 1 (Exchange-traded derivatives) of ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

(l) The financial market operated by Hong Kong Futures Exchange Limited;	<i>Unchanged but renumbered</i>
<u>(m) HUPX Ltd Hungarian Power Exchange</u>	<i>Added from Exemption 1</i>
(n) ICE Futures Canada;	<i>Unchanged but renumbered</i>
(p) ICE Futures Europe;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(q) ICE Futures U.S.;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(t) International Securities Exchange;	<i>Deleted as to be included as an SEC Regulated Market</i>
(s) Italian Derivatives Market;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
<u>(o) the following financial markets operated by the Johannesburg Stock Exchange:</u>	<i>Added from Exemption 1 and name updated from “South African Futures Exchange (SAFEX), including SAFEX APD Agricultural Products as part of JSE Limited”</i>
<u>(i) JSE Commodity Derivatives Market;</u>	
<u>(ii) JSE Currency Derivatives Market;</u>	
<u>(iii) JSE Equity Derivatives Market;</u>	
<u>(iv) JSE Interest Rate Derivatives Market.</u>	
(t) Kansas City Board of Trade;	<i>Removed as not currently designated by the CFTC as a Designated Contract Market</i>
<u>(p) Korea Exchange;</u>	<i>Added from Exemption 1</i>
(u) London Metal Exchange;	<i>Deleted as is a UK Regulated Market</i>
(v) London Stock Exchange;	<i>Deleted as is a UK Regulated Market</i>
(w) Mercado Español de Futuros Financieros;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
<u>(q) Mexican Derivatives Exchange;</u>	<i>Added from Exemption 1</i>
<u>(r) Moscow Exchange – Derivatives Market</u>	<i>Added from Exemption 1</i>
(x) NASDAQ OMX BX;	<i>Deleted as to be included as an SEC Regulated Market</i>
(y) NASDAQ OMX Commodities;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(z) NASDAQ OMX Copenhagen;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>

Explanatory Note

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(aa) NASDAQ OMX Futures Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(bb) NASDAQ OMX Helsinki;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(cc) NASDAQ OMX Nordic Derivatives Markets;	<i>Removed as not a current financial market name</i>
(dd) NASDAQ OMX PHLX;	<i>Deleted as to be included as an SEC Regulated Market</i>
(ee) NASDAQ OMX PSX;	<i>Deleted as to be included as an SEC Regulated Market– this financial market is part of Nasdaq PHLX</i>
(ff) NASDAQ OMX Riga;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(gg) NASDAQ OMX Stockholm;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – as the Nasdaq Stockholm AB derivatives financial markets</i>
(hh) NASDAQ OMX Tallinn;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(ii) NASDAQ OMX Vilnius;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(jj) NASDAQ Options Market;	<i>Deleted as to be included as an SEC Regulated Market – this financial market is operated under a delegation from Nasdaq LLC</i>
<u>(s) National Stock Exchange of India</u>	<i>Added from Exemption 1</i>
(kk) NYSE Euronext Amsterdam;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Euronext Amsterdam N.V.”</i>
(ll) NYSE Euronext Brussels;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Euronext Brussels Derivatives”</i>
(mm) NYSE Euronext Lisbon;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Euronext Lisbon - Sociedade Gestora de Mercados Regulamentados, SA”</i>
(nn) NYSE Euronext London;	<i>Deleted as is a UK Regulated Market</i>

Explanatory Note

“Exemption 1” means Exemption 1 (Exchange-traded derivatives) of ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

~~(oo) NYSE Euronext Paris;~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Euronext Paris SA”

~~(pp) NYSE Liffe US;~~

Removed as not a current financial market name

~~(qq) NYSE Liffe;~~

Removed as not a current financial market name

(t) NZX Derivatives Market;

Added from Exemption 1 and name updated from “New Zealand Exchange”

(u) Osaka ~~Securities~~ Exchange;

Name updated and renumbered

~~(ss) Oslo Børs ASA;~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)

(v) Power Exchange Central Europe

Added from Exemption 1

(w) an SEC Regulated Market;

(x) Shanghai Futures Exchange;

Added from Exemption 1

(y) Singapore Exchange Derivatives SGX-DT;

Name updated and renumbered

(z) The financial market operated by The Stock Exchange of Hong Kong Limited;

Unchanged but renumbered

(aa) Taiwan Futures Exchange;

Added from Exemption 1

(bb) Tel Aviv Stock Exchange;

Added from Exemption 1 and name updated from “Tel Aviv Stock Exchange Ltd”

(cc) Thailand Futures Exchange as part of Stock Exchange of Thailand

Added from Exemption 1

(dd) Tokyo Commodity Exchange

Added from Exemption 1

(ee) Tokyo Financial Exchange

Added from Exemption 1

(ff) Tokyo Stock Exchange;

Unchanged but renumbered

(gg) Toronto Stock Exchange;

Unchanged but renumbered

(hh) a UK Regulated Market;

Unchanged but renumbered

~~(xx) Warsaw Stock Exchange;~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)

~~(yy) Wiener Börse.~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)

ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

Compilation No. 10 as in force on 1 April 2020.

Part 1—Preliminary

1 Name of legislative instrument

This instrument is the *ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844*.

3 Authority

This instrument is made under paragraph 907D(2)(a) of the *Corporations Act 2001*.

4 Definitions

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Part 2—Exemption

5 Exemption 1 (Exchange-traded derivatives)

Relief

(1) From 1 October 2015 to 30 September ~~2020~~2022, a Reporting Entity does not have to comply with Rule 2.2.1 of the Rules in relation to a Derivative (*Exchange-Traded Derivative*) where:

- (a) the entry into of the arrangement that is the Derivative takes place on a financial market that is not operated in this jurisdiction and the following apply:
 - (i) the entry into of the arrangement that is the Derivative is in accordance with the operating rules of the financial market;
 - (ii) the terms of the Derivative are documented under or prescribed by the operating rules of the financial market; and
 - (iii) the Derivative is made available in one or more series in accordance with the operating rules of the financial market and the terms of the arrangement constituting the Derivative are the same as for every other Derivative in the same series, with the exception of price; ~~or.~~

~~(b) the Derivative is:~~

- ~~(i) — able to be traded (within the meaning of section 761A of the Act) on a Relevant Financial Market; and~~
 - ~~(ii) — the entry into of the arrangement that is the Derivative takes place on the Relevant Financial Market.~~
- ~~(2) — A Reporting Entity does not have to comply with subsection 907D(3) of the Act in relation to the condition in paragraph 7 of ASIC Instrument [14/0952].~~

Condition

- (3) A Reporting Entity that relies on the exemption in subsection (1) or (2) must report in accordance with the Rules:
- (a) information about each of its Reportable Transactions in an Exchange-Traded Derivative starting from no later than 1 October ~~2020~~2022; and
 - (b) the Derivative Position Information set out in Part S2.2 of Schedule 2 of the Rules, about each of its outstanding positions in an Exchange-Traded Derivative as at 1 October ~~2020~~2022 or such earlier date as the Reporting Entity starts to report its Reportable Transactions in the Exchange-Traded Derivative.
- (3A) Subject to subsection (3B), a Reporting Entity that relies on the exemption in paragraph (1)(a) in relation to a Derivative entered into on a financial market must, within 10 business days after entering into the Derivative, give ASIC a written notice (**Opt-In Notice**) containing the following information:
- (a) the name of the Reporting Entity;
 - (b) the name of the financial market;
 - (c) the Market Identifier Code (MIC) issued in accordance with ISO 10383:2012 for the financial market;
 - (d) the date the Reporting Entity entered into the Derivative.
- (3B) The condition in subsection (3A) does not apply to a Reporting Entity in relation to a financial market if:
- (a) the Reporting Entity has previously given ASIC an Opt-in Notice in relation to the financial market: or
 - (b) the financial market is: a Regulated Foreign Market for the purposes of the Rules.
 - ~~(i) — a Relevant Financial Market; or~~
 - ~~(ii) — a Regulated Foreign Market for the purposes of the Rules.~~

(3C) In this section:

ISO 10383:2012 means ISO 10383:2012 *Securities and related financial instruments—Codes for exchanges and market identification (MIC)* published by the International Organisation for Standardization as in force on the date of this instrument.

Note: Opt-In Notices received	
<i>ICE Futures Singapore</i>	<i>MIC = IFSG</i>

Meaning of Relevant Financial Market

~~(4) For the purposes of the exemption in subsection (1), and subject to subsection (5), each of the following financial markets is a **Relevant Financial Market**:~~

Explanatory Note

~~(a) BATS Options;~~

Removed as not a current financial market name

~~(b) Borsa Istanbul;~~

Added to the Regulated Foreign Markets Determination as “Borsa Istanbul – Futures and Options Market”

~~(c) Boston Options Exchange;~~

Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market

~~(d) BSE Limited (Bombay Stock Exchange);~~

Added to the Regulated Foreign Markets Determination

~~(e) Bursa Malaysia—Bursa Malaysia Derivatives;~~

Added to the Regulated Foreign Markets Determination as “Bursa Malaysia Derivatives Market”

~~(f) CEGH Gas Exchange of Vienna Stock Exchange;~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Wiener Borse AG”

~~(g) Chicago Climate Futures Exchange;~~

Removed as not a current financial market name

~~(h) Chicago Mercantile Exchange;~~

Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)

~~(i) China Financial Futures Exchange;~~

Added to the Regulated Foreign Markets Determination

~~(j) Dalian Commodities Exchange;~~

Added to the Regulated Foreign Markets Determination

~~(k) Dubai Gold & Commodities Exchange;~~

Added to the Regulated Foreign Markets Determination

Explanatory Note

(l) Dubai Mercantile Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(m) EDGX Exchange, Inc;	<i>Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market</i>
(n) Electronic Liquidity Exchange operated by ELX Futures LP;	<i>Removed as not currently designated by the CFTC as a Designated Contract Market</i>
(o) EPEX Spot SE;	<i>Added to the Regulated Foreign Markets Determination</i>
(p) European Climate Exchange;	<i>Removed as not a current financial market name</i>
(q) European Energy Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(r) European Exchange;	<i>Removed as not a current financial market name</i>
(s) Hong Kong Exchange & Clearing Ltd;	<i>Removed as not a financial market but rather the parent company of The Stock Exchange of Hong Kong Limited and Hong Kong Futures Exchange Limited.</i>
(t) HUPX Ltd Hungarian Power Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(u) ICE Endex;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(v) Jakarta Futures Exchange;	<i>Removed as an English language rule book is not currently available in order for ASIC to undertake a sufficient equivalence assessment</i>
(w) Johannesburg Stock Exchange;	<i>Deleted as the relevant derivatives markets operated by the Johannesburg Stock Exchange are those added to the Regulated Foreign Markets Determination as referred to at (ccc) below</i>
(x) Korea Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(y) LSE Derivatives Market;	<i>Deleted since as is a UK Regulated Market</i>
(z) Mexican Derivatives Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(aa) Minneapolis Grain Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>

Explanatory Note

(bb) Montreal Climate Exchange;	<i>Removed as not a current financial market name</i>
(cc) Montreal Exchange;	<i>Removed as is in the Regulated Foreign Markets Determination as “Bourse de Montreal”</i>
(dd) Moscow Exchange MICEX RTS (Moscow Exchange);	<i>Added to the Regulated Foreign Markets Determination as Moscow Exchange – Derivatives Market</i>
(ee) Moscow Stock Exchange;	<i>Removed as not a current financial market for derivatives</i>
(ff) NASDAQ OMX Armenia;	<i>Now the Armenia Securities Exchange, it is removed as this is not a market for derivatives, other than FX swaps which are traded on terms as agreed between the participants and not made available in one or more series under the market’s operating rules</i>
(gg) NASDAQ OMX Iceland;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) – “Nasdaq Iceland hf.”</i>
(hh) NASDAQ OMX NLX;	<i>Removed as not a current financial market name</i>
(ii) National Stock Exchange of India;	<i>Added to the Regulated Foreign Markets Determination</i>
(jj) New York Mercantile Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(kk) New York Stock Exchange;	<i>Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market</i>
(ll) New Zealand Exchange;	<i>Added to the Regulated Foreign Markets Determination as “NZX Derivatives Market”</i>
(mm) Nodal Exchange;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a)</i>
(nn) NYMEX Emissions;	<i>Removed as not a current financial market name</i>
(oo) NYSE Amex LLC;	<i>Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market</i>
(pp) NYSE Amex Option;	<i>Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market</i>

Explanatory Note

(qq) NYSE Area Europe;	<i>Removed as not a current financial market name</i>
(rr) NYSE Area;	<i>Deleted as to be included in the Regulated Foreign Markets Determination as an SEC Regulated Market</i>
(ss) NYSE Brussels;	<i>Removed as not a current financial market name</i>
(tt) NYSE LIFFE Amsterdam;	<i>Removed as not a current financial market name</i>
(uu) NYSE LIFFE London;	<i>Removed as not a current financial market name</i>
(vv) NYSE LIFFE Paris;	<i>Removed as not a current financial market name</i>
(ww) OneChicago (Single stock futures);	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(a) - as "OneChicago LLC"</i>
(xx) Oslo Bors;	<i>Deleted as is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(yy) Power Exchange Central Europe;	<i>Added to the Regulated Foreign Markets Determination</i>
(zz) Powernext;	<i>Deleted since now integrated into the European Energy Exchange which is a Regulated Foreign Market under subrule 1.2.4(2A)(b)</i>
(aaa) Shanghai Futures Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(bbb) Singapore Commodity Exchange SGX-DT;	<i>Removed as is in Regulated Foreign Markets Determination as "Singapore Exchange Derivatives"</i>
(ccc) South African Futures Exchange (SAFEX), including SAFEX APD Agricultural Products as part of JSE Limited;	<i>Added to the Regulated Foreign Markets Determination as the derivatives markets operated by the Johannesburg Stock Exchange</i>
(ddd) Taiwan Futures Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>
(eee) Tel Aviv Stock Exchange Ltd;	<i>Added to the Regulated Foreign Markets Determination</i>
(fff) Thailand Futures Exchange as part of Stock Exchange of Thailand;	<i>Added to the Regulated Foreign Markets Determination</i>
(ggg) Tokyo Commodity Exchange;	<i>Added to the Regulated Foreign Markets Determination</i>

Explanatory Note~~(hhh) Tokyo Financial Exchange;~~*Added to the Regulated Foreign Markets Determination*~~(iii) Turkish Derivatives Exchange~~*Removed as not a current financial market name*~~(jjj) Eurex Zurich~~*Deleted since as is a Regulated Foreign Market under subrule 1.2.4(2A)(b) under "Eurex Deutschland"*~~(5) — A financial market is not a Relevant Financial Market if the financial market is a Regulated Foreign Market for the purposes of the Rules.~~